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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,313	08/27/2003	Makoto Mogamiya	P23749	3666
7055 7590 02/06/2008 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER KHAN, USMAN A	
			ART UNIT 2622	PAPER NUMBER
			NOTIFICATION DATE 02/06/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/648,313

Applicant(s)

MOGAMIYA ET AL.

Examiner

Usman Khan

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 01/18/2007, with respect to the claims 1 - 17 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made. Since this is a new grounds of rejection, which was not done because of an amendment, this action is non-final.

Claim Objection

Claim 2 is objected to because of the following informalities: applicant amended claim 1 lines 5 – 6 from "defined between" to –extending from-- but claim 2 line 2 still reads "defined between". Appropriate correction is required.

Claim 4 is objected to because of the following informalities: applicant amended claim 1 lines 5 – 6 from "defined between" to –extending from-- but claim 4 line 2 still reads "defined between". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 - 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Kabe et al. (US PgPub 2001/0017984).

Regarding **claim 1**, Kabe et al. discloses an electronic still camera comprising: an image pickup element provided in an optically isolated space (figures 2 – 4 item 18) which is opened and closed by a shutter (figures 2 – 4 item 16); an image pickup optical system which makes object light incident upon the image pickup element (figures 2 – 4 sending light from opening near item 55 to the image pickup element 18 via a number of lenses); and a sealing member configured to seal an image pickup light path extending from the shutter to the image pickup element (figures 2 – 4, lens barrel outer surface i.e. items 22, 24, and other outer components of the lens barrel).

Regarding **claim 2**, Kabe et al. discloses the electronic still camera according to claim 1, wherein said sealing member comprises a tubular member which surrounds a light path space defined between the shutter and the image pickup element (figures 2 – 4, lens barrel outer surface i.e. items 22, 24, and other outer components of the lens barrel).

Regarding **claim 3**, Kabe et al. discloses the electronic still camera according to claim 2, wherein said tubular member is configured to be extendable and contractible in an optical axis direction of the image pickup optical system (figures 2 – 4, lens barrel contracts and expands); and wherein an optical element is fitted in an opening of said

tubular member on an object side to seal the tubular member (figures 2 – 4, item 52 and other optical elements such as figures 2 – 4 items 46, 48, and 50).

Regarding **claim 4**, Kabe et al. discloses the electronic still camera according to claim 1, wherein said sealing member comprises a tubular member which surrounds a light path space defined between the shutter and an image pickup surface of the image pickup element (figures 2 – 4, lens barrel outer surface i.e. items 22, 24, and other outer components of the lens barrel), wherein said tubular member is extendable and contractible in an optical axis direction of the image pickup optical system (figures 2 – 4, lens barrel contracts and expands), said tubular member being closely connected (figures 2 – 4, lens barrel outer surface i.e. items 22, 24, and other outer components of the lens barrel), at the end thereof which defines an opening end on the object side (figures 2 – 4 sending light from opening near item 55 to the image pickup element 18 via a number of lenses), to a frame member (figures 2 – 4, lens barrel outer surface i.e. items 22, 24, and other outer components of the lens barrel), which restricts an aperture which is opened and closed by the shutter (figures 2 – 4 item 16), and an optical element which seals the frame member (figures 2 – 4, item 52 and other optical elements such as figures 2 – 4 items 46, 48, and 50).

Regarding **claim 5**, Kabe et al. discloses the electronic still camera according to claim 3, wherein said tubular member is in close contact, at an end surface thereof defining the opening on the object side, with the frame member which restricts the

aperture opened and closed by the shutter (figures 2 – 4 barrel outer surface i.e. items 22, 24, and other outer components of the lens barrel along with sending light from opening near item 55 to the image pickup element 18 via a number of lenses).

Regarding **claim 6**, Kabe et al. discloses the electronic still camera according to claim 3, wherein said optical element is secured to the frame member (figures 2 – 4, barrel outer surface i.e. items 22, 24, and other outer components of the lens barrel along with item 52 and other optical elements such as figures 2 – 4 items 46, 48, and 50).

Regarding **claim 7**, Kabe et al. discloses the electronic still camera according to claim 3, wherein said optical member is a transparent plane-parallel plate (figures 2 – 4, item 52 and other optical elements such as figures 2 – 4 items 46, 48, and 50).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 - 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kabe et al. (US PgPub 2001/0017984) in further view of Oguma (US patent No. 6,225,244).

Regarding **claim 8**, as mentioned above in the discussion of claim 3, Kabe et al. teaches all of the limitations of the parent claim. However, Kabe et al. fails to disclose that the said optical element comprises at least one of a low-pass filter and an infrared absorption filter. Oguma, on the other hand discloses that the said optical element comprises at least one of a low-pass filter and an infrared absorption filter.

More specifically, Oguma discloses that said optical element comprises a low-pass filter and an infrared absorption filter (figure 1 items 2, 2', and 3).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to incorporate the teachings of Oguma with the teachings of Kabe et al. because in column 2 lines 15 - 27 Oguma discloses that the use a low-pass filter and an infrared absorption filter will provide the following advantage: providing a glass for a near infrared absorption filter, which is durable in use for a long period of time, has high climate resistance and a high transmittance to light in ultraviolet to visible light regions and has excellent alkali resistance. This will improve functionality of the camera of Kabe et al.

Regarding **claim 9**, Kabe et al. discloses an electronic still camera comprising: an image pickup element provided in an optically isolated space (figures 2 – 4 item 18) which is opened and closed by a shutter (figures 2 – 4 item 16); an image pickup optical system configured to make object light incident upon the image pickup element (figures 2 – 4 sending light from opening near item 55 to the image pickup element 18 via a number of lenses); and a frame member configured to restrict an aperture which is

opened and closed by the shutter (figures 2 – 4, lens barrel outer surface i.e. items 22, 24, and other outer components of the lens barrel),

However, Kabe et al. fails to disclose that the said frame member being provided with at least one of a low-pass filter and an infrared absorption filter secured thereto. Oguma, on the other hand discloses that the said frame member being provided with a low-pass filter and an infrared absorption filter secured thereto.

More specifically, Oguma discloses that said frame member being provided with a low-pass filter and an infrared absorption filter (figure 1 items 2, 2', and 3).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to incorporate the teachings of Oguma with the teachings of Kabe et al. because in column 2 lines 15 - 27 Oguma discloses that the use a low-pass filter and an infrared absorption filter will provide the following advantage: providing a glass for a near infrared absorption filter, which is durable in use for a long period of time, has high climate resistance and a high transmittance to light in ultraviolet to visible light regions and has excellent alkali resistance. This will improve functionality of the camera of Kabe et al.

Regarding **claim 10**, as mentioned above in the discussion of claim 9, Kabe et al. in further view of Kabe et al. teaches all of the limitations of the parent claim. Additionally, Oguma teaches that said low-pass filter and the infrared absorption filter are cemented to each other (figure 1 items 2, 2', and 3).

Regarding **claim 11**, as mentioned above in the discussion of claim 9, Kabe et al. in further view of Kabe et al. teaches all of the limitations of the parent claim. Additionally, Oguma teaches that said low-pass filter is closely secured to the frame member which is located closer to the image pickup element than the shutter (figure 1 items 2' and 3).

Regarding **claim 12**, as mentioned above in the discussion of claim 9, Kabe et al. in further view of Kabe et al. teaches all of the limitations of the parent claim. Additionally, Oguma teaches that the said infrared absorption filter is secured to the frame member, the frame member located closer to the image pickup element than the shutter (figure 1 items 2 and 3).

Regarding **claim 13**, as mentioned above in the discussion of claim 9, Kabe et al. in further view of Kabe et al. teaches all of the limitations of the parent claim. Additionally, Oguma teaches that one of said low-pass filter and said infrared absorption filter is secured to the frame member, is the frame member located closer to an object than the shutter (figure 1 items 2 or 3 is closer then 2').

Regarding **claim 14**, as mentioned above in the discussion of claim 9, Kabe et al. in further view of Kabe et al. teaches all of the limitations of the parent claim. Additionally, Oguma teaches that said infrared absorption filter is secured to the frame

member, is the frame member located closer to an object than the shutter (figure 1 item 3 is closer then 2').

Regarding **claim 15**, as mentioned above in the discussion of claim 1, Kabe et al. teaches all of the limitations of the parent claim. However, Kabe et al. fails to disclose an optical filter fitted in an opening at an object side of said sealing member. Oguma, on the other hand discloses an optical filter fitted in an opening at an object side of a sealing member.

More specifically, Oguma discloses an optical filter fitted in an opening at an object side of a sealing member (figure 1 items 2 is on object side when compared to items 2' and 3).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to incorporate the teachings of Oguma with the teachings of Kabe et al. because in column 2 lines 15 - 27 Oguma discloses that the use a low-pass filter and an infrared absorption filter will provide the following advantage: providing a glass for a near infrared absorption filter, which is durable in use for a long period of time, has high climate resistance and a high transmittance to light in ultraviolet to visible light regions and has excellent alkali resistance. This will improve functionality of the camera of Kabe et al.

Regarding **claim 16**, as mentioned above in the discussion of claim 9, Kabe et al. in further view of Kabe et al. teaches all of the limitations of the parent claim.

Additionally, Kabe et al. teaches that said frame member is provided at an object side of the optically isolated space (figures 3 – 4 item items 62 and 66).

Regarding **claim 17**, as mentioned above in the discussion of claim 9, Kabe et al. in further view of Kabe et al. teaches all of the limitations of the parent claim. Additionally, Kabe et al. teaches that said frame member supports the shutter (figures 3 – 4 item 16).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usman Khan whose telephone number is (571) 270-1131. The examiner can normally be reached on Mon-Thru 6:45-4:15; Fri 6:45-3:15 or Alt. Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Usman Khan
01/30/2008
Patent Examiner
Art Unit 2622



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SUPERVISORY PATENT EXAMINER